THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.21042 of 2005

Dated: 27.03.2006

Between:

P. Veerabhadra Rao, S/o Pattabhi, R/o Sivala village, K. Gangavaram Mandal, East Godavari District.

.... PETITIONER

AND

The A.P.S.R.T.C., rep. by its Managing Director, Musheerabad,

Hyderabad and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

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Writ Petition No.21042 of 2005

Order:

The case of the petitioner is that by the impugned proceedings dated 20.08.2002 his name was deleted by the respondent-Corporation from the panel of selection list on the ground that he failed to attend duties during the strike period. It is also the case of the petitioner that as he is not aware of the paper publication issued by the respondent-Corporation during the strike period calling upon the petitioner to attend duties, he did not respond to it. The further case of the petitioner is that when

similarly placed persons filed W.P. No.14777 of 2003 and batch against the impugned proceedings, this Court, by order dated 17.08.2004, allowed the same and directed the respondents to restore their names in the selection list of panel of Conductors and consider their cases for regularization of their services, and accordingly, their cases were considered by the respondents. Relying on the same, the petitioner prays to consider his case also.

A counter affidavit was filed by the respondents, *inter alia*, stating that during the strike period from 15.10.2001 to 07.11.2001, a paper notification was issued calling upon the casual and panel conductors to attend the work, and individual call letters were also sent to their residential addresses, including the petitioner, advising them to attend the duties. It is stated that the name of the petitioner was deleted from the regular list of the Conductors, as he failed to attend the duties during the strike period in pursuance of the paper advertisement and call letter. It is further stated that pursuant to the orders of this Court, the candidates mentioned by the petitioner have been engaged on contract basis in Visakhapatnam region.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

Admittedly, the petitioner, who was temporarily selected as Conductor by the properly constituted committee of the Corporation, was listed in the select list and kept in the panel to give regular appointment as and when regular vacancies arise, but without issuing any notice, his services were terminated for not attending to duty during the strike period from 15.10.2001 to 07.11.2001. The specific case of the respondents is that during the strike period from 15.10.2001 to 07.11.2001, a paper notification was issued calling upon the casual and panel conductors to attend the work, and individual call letters were also sent to their residential addresses, including the petitioner, advising them to attend the duties, and as the petitioner failed to attend the duties during the strike period in pursuance of the paper advertisement and call letter, his name was deleted from the regular list of the Conductors.

There is absolutely no material placed before this Court by the respondents to show that any individual call letter was sent to the petitioner and he received the same. Based on the paper advertisement, the respondents cannot find fault with the petitioner for not attending to duty during the strike period, and they cannot presume

that the petitioner, having noticed the newspaper advertisement and having received the call letter, did not join duty, and as such, they are entitled to delete his name. As the petitioner specifically denies about the perusal of the advertisement and also receipt of call letter, the respondents should have conducted an enquiry before deleting his name. The action of the respondents in deleting the name of the petitioner on the ground that he failed to attend to duties, in spite of paper advertisement and in spite of receipt of call letter, is without any basis. Therefore, the action of the respondents in deleting the name of the petitioner from the selected panel of Conductors is illegal and unsustainable and against the principles of natural justice. In similar circumstances, this Court, in W.P. No.14777 of 2003 and batch, directed the respondents to restore the names of the petitioners therein in the select list of panel of Conductors and consider their cases for regularization of their services. From the averments of the counter affidavit, it is clear that pursuant to the said orders, the candidates mentioned in the said writ petitions have been engaged on contract basis in Visakhapatnam region.

Having regard to the facts and circumstances of the case,
I deem it appropriate to dispose of the writ petition directing the respondents to consider the case of the petitioner also on par with the similarly placed employees and engage him on contract basis.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 27.03.2006

Nsr/Ksr